

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2055

H.P. 1449

House of Representatives, March 9, 2006

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(EMERGENCY)

Reported by Representative SIMPSON of Auburn for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

Reference to the Committee on Judiciary suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

institution and has been employed as a counselor for at least 2 years. Any contract providing coverage for the services of counseling professionals pursuant to this section may be subject to any reasonable limitations, maximum benefits, coinsurance, deductibles or exclusion provisions applicable to overall benefits under the contract. This subsection applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this subsection, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

Sec. 47. 24-A MRSA §2844, sub-§2, as amended by PL 1997, c. 777, Pt. B, §3, is further amended to read:

2. Medicaid and Cub Care programs. Insurers may not consider the availability or eligibility for medical assistance under 42 United States Code, Section 13969, referred to as "Medicaid," or Title 22, section 3174-R 3174-T, referred to as the "Cub Care program," when considering coverage eligibility or benefit calculations for insureds and covered family members.

A. To the extent that payment for coverage expenses has been made under the Medicaid program or the Cub Care program for health care items or services furnished to an individual, the State is considered to have acquired the rights of the insured or family member to payment by the insurer for those health care items or services. Upon presentation of proof that the Medicaid program or the Cub Care program has paid for covered items or services, the insurer shall make payment to the Medicaid program or the Cub Care program according to the coverage provided in the contract or certificate.

B. An insurer may not impose requirements on a state agency that has been assigned the rights of an individual eligible for Medicaid or Cub Care coverage and covered by a subscriber contract that are different from requirements applicable to an agent or assignee of any other covered individual.

Sec. 48. 24-A MRSA §2849-B, sub-§3, ¶C-1, as enacted by PL 1997, c. 777, Pt. B, §6, is amended to read:

C-1. That person was covered by the Cub Care program under Title 22, section 3174-R 3174-T, and the request for replacement coverage is made while coverage is in effect or within 30 days from the termination of coverage; or

Sec. 49. 24-A MRSA §6908, sub-§12, as enacted by PL 2005, c. 400, Pt. A, §5, is reallocated to 12 MRSA §6908, sub-§13.

2 **Sec. 50. 24-A MRSA §6913, sub-§3, ¶E,** as enacted by PL 2005,
c. 400, Pt. A, §11, is amended to read:

4 E. Savings offset payments may not begin until 12 months
6 after Dirigo Health begins providing health insurance
 coverage.

8 **Sec. 51. 24-A MRSA §6913, sub-§3, ¶G,** as enacted by PL 2005,
10 c. 400, Pt. A, §11, is amended to read:

12 G. Savings offset payments received by Dirigo Health must be
 pooled with other revenues of the agency in the Dirigo
14 Health Fund established in section 6915~~+~~and.

16 **Sec. 52. 27 MRSA §69, sub-§3,** as enacted by PL 1977, c. 546,
 §1, is amended to read:

18 **3. Surplus.** The State Librarian may sell copies of each
20 history that are not distributed under subsection 2. The State
 Librarian shall fix the price of sale at the retail price of the
22 history. The Maine State Museum may sell these copies through its
 museum sales program, ~~provided except~~ that the proceeds from the
24 sale of these town histories shall ~~may~~ not be used as required
 under section 89, ~~and the complimentary publications required by~~
26 ~~that section shall not be required~~ 89-A. All proceeds from the
 sales of these town histories shall ~~must~~ be used to pay the costs
28 of the distribution required under subsection 2, and any proceeds
 beyond these costs shall ~~must~~ be used to meet the costs of
30 purchase under subsection 1.

32 **Sec. 53. 28-A MRSA §1361, sub-§4,** as amended by PL 1997, c.
34 373, §116, is further amended to read:

36 **4. No sales of malt liquor or wine to person without**
 wholesale license. No certificate of approval holder, except a
38 small Maine brewery or Maine farm winery licensee allowed to sell
 directly to retailers, may sell or cause to be transported into
40 the State any malt liquor or wine to any person to whom a Maine
 wholesale license has not been issued by the bureau. Malt liquor
42 or wine must be delivered to the place of business of the
 wholesaler as shown in the wholesaler's license, must be unloaded
44 and inventoried at the wholesaler's premises upon the
 wholesaler's receipt of the shipment and must come to rest before
46 delivery is made to any retailer to enable the bureau to inspect
 and inventory wholesale warehouses for the purpose of verifying
48 taxes that are required to be paid on malt liquor and wine
 purchased by importers.

2

SUMMARY

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6 Section 1 corrects a conflict created by Public Law 2005,
7 chapters 405 and 412, which affected the same provision of law,
8 by incorporating changes made by both laws.

8

10 Section 2 corrects a conflict created by Public Law 2005,
11 chapters 397, 405 and 412, which affected the same provision of
12 law, by incorporating the changes made by all 3 laws.

12

14 Section 3 corrects a conflict created by Public Law 2005,
15 chapters 218 and 332, which affected the same provision of law,
16 by incorporating the changes made by both laws.

16

18 Section 4 corrects clerical errors.

18

20 Section 5 corrects a reference to a department.

20

22 Section 6 corrects a cross-reference.

22

24 Section 7 corrects structural errors by enacting a new Part
25 heading to reflect the intent of the Maine Revised Statutes,
26 Title 5, chapter 372.

26

28 Section 8 corrects structural errors by enacting a new Part
29 heading to reflect the intent of the Maine Revised Statutes,
30 Title 5, chapter 373.

30

32 Section 9 corrects a cross-reference.

32

34 Section 10 repeals and replaces a Part headnote.

34

36 Section 11 corrects a cross-reference and strikes a
37 reference to an annual plan prepared by the former Maine Potato
38 Quality Control Board.

38

40 Section 12 corrects a numbering problem created by Public
41 Law 2005, chapters 172 and 270, which enacted 2 substantively
42 different provisions with the same subsection number.

42

44 Section 13 corrects a clerical error.

44

46 Section 14 removes a reference to the University of Maine
47 System Scholarship Fund in a list of scholarship funds
48 administered by the Finance Authority of Maine because
49 jurisdiction over this fund was transferred to the Board of
50 Trustees of the University of Maine System pursuant to Public Law
2005, chapter 109.

2 Section 40 corrects an error that was created when Public
Law 2005, c. 397 repealed and replaced the Maine Revised
Statutes, Title 22, section 3174-R and repealed the reference to
4 the 6 percentage point requirement, by striking the reference to
the 6 percentage point requirement in this section.
6
8 Section 41 corrects a cross-reference.
10 Section 42 corrects a cross-reference.
12 Section 43 repeals the subchapter headnote of a repealed
subchapter.
14 Section 44 corrects a cross-reference.
16 Section 45 corrects a conflict created by Public Law 2005,
chapters 121, 213 and 214, which affected the same provision of
18 law, by incorporating changes made by all 3 laws. It also makes
technical changes.
20 Section 46 corrects a conflict created by Public Law 2005,
22 chapters 121, 213 and 214, which affected the same provision of
law, by incorporating changes made by all 3 laws. It also makes
24 technical changes.
26 Section 47 corrects a cross-reference.
28 Section 48 corrects a cross-reference.
30 Section 49 corrects a numbering problem created by Public
Law 2005, chapters 394 and 400, which enacted 2 substantively
32 different provisions with the same subsection number.
34 Section 50 corrects punctuation, and section 51 deletes a
conjunction and corrects punctuation.
36 Section 52 corrects a cross-reference, makes grammatical
38 changes and strikes a reference to complimentary publications
that are not required under the Maine Revised Statutes, Title 27,
40 section 89-A.
42 Section 53 changes the term "Maine farm winery" to "farm
winery" to reflect the change that was made by Public Law 1993,
44 c. 730, which repealed the provision of law that defined "Maine
farm winery" and enacted a new provision of law that defines
46 "farm winery."
48 Sections 54 and 55 correct a conflict created by Public Law
2005, chapters 420 and 433, which affected the same provisions of
50 law. This section repeals the provisions and replaces them with
the chapter 433 version.